

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
*ex rel.* MARY HENDOW and  
11 JULIE ALBERTSON,

12 Plaintiffs, No. CIV S-03-0457 GEB DAD

13 || v.

14 | UNIVERSITY OF PHOENIX,

15 || Defendant. ORDER

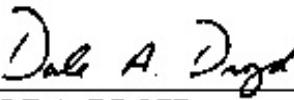
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17 On March 27, 2009, relators filed a motion to compel further discovery, noticing  
18 the motion for hearing on April 3, 2009 and indicating that a Joint Statement re Discovery  
19 Disagreement would be submitted no later than three days prior to the hearing date as required  
20 under Local Rule 37-251. On that same day, defendant filed a motion to compel further  
21 discovery, noticing their motion for the same day, April 3, 2009, and making the same  
22 representation regarding the filing of a Joint Statement. The court first learned of the motions  
23 when, on March 30, 2009, both Joint Statements and several supporting declarations were filed.  
24 The documents filed by the parties on March 30, 2009, in connection with the two motions to  
25 compel consist of over 1100 pages.

1 For the most part the parties' filings comply with the requirements of Local Rule  
2 37-251<sup>1</sup> and in particular with the provision for a hearing on the next regularly scheduled  
3 calendar when a Joint Statement is filed with a Notice of Motion and Motion. See Local Rule  
4 37-251(a). Nonetheless, given the voluminous nature of the documents filed in connection with  
5 these discovery disputes, the other matters already on the court's civil law and motion calendar  
6 and the undersigned's duties as the criminal general duty judge during April, the court is unable  
7 to accommodate the parties on April 3, 2009, as requested. The court also notes that pursuant to  
8 the amended scheduling order issued on October 17, 2008, by the assigned district judge, all non-  
9 expert discovery in this action is to be completed by May 29, 2009.

10 Accordingly, the parties' pending motions to compel will be heard on Thursday,  
11 April 9, 2009, at 10:00 a.m. Telephonic appearance is permitted pursuant to the conditions of  
12 which counsel are aware. No further documents shall be filed by either party in connection with  
13 these motions absent further order of the court.

14 IT IS SO ORDERED.

15 DATED: April 1, 2009.

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18 DALE A. DROZD  
19 UNITED STATES MAGISTRATE JUDGE

20 DAD:  
21 Ddad1/orders.civil/hendow0457.o.040109

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25 <sup>1</sup> The court has previously cautioned counsel in this action regarding the filing of  
26 voluminous declarations in connection with discovery motions when those declarations essentially  
set forth matters that are to be contained in the joint statement. See Local Rule 37-251(c).